

Child Protection System Citizen Review

Policies And Procedures Manual

2002

by

State Citizens' Review Board for Children



State Council on Child Abuse & Neglect

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INTRODUCTION

Purpose

The ultimate purpose for the citizen review panels program is to implement reforms of community systems that protect children from maltreatment and promote safety, permanency, and well-being. To accomplish this purpose, those involved must be committed to honest, unbiased assessment and effective advocacy.

The Citizens' Review Board for Children (State Board) and the State Council on Child Abuse and Neglect (State Council) believe that our partnership with local citizen review panels provides a strong basis for system improvement. Through continued development of protocols and tools we hope to enhance the skills and expand the options that local citizen reviewers have at their disposal. Local citizen review panels will be able to set their own agendas for reform in their jurisdictions. We will provide assistance in establishing a constructive dialogue with the appropriate agencies and stakeholders. In the future, we may augment this support through development of a formal process of memoranda of agreement among local panels and the State Board and State Council.

In compliance with Chapters 355 and 356 of the Acts of 1999 the Policies and Procedures Manual for Child Protection System Citizens Review was developed. The manual provides an explanation of the relationships among the State Citizens' Review Board for Children, the State Council on Child Abuse and Neglect and the local Citizen review panels/teams. It clearly outlines how the State Board, The State Council and local panels/teams will meet legislative requirements to examine the policies and procedures of State and local agencies and specific cases to evaluate the extent to which State and local agencies are effectively discharging their child protection responsibilities. In addition it includes protocols, forms and laws governing child protection system reviews. We encourage local citizen review panels to develop their own evaluation criteria and methods and to share them with other local panels through the State Board and State Council.

The purpose of the Child Protection System Citizens Review Policies and Procedures Manual is to empower and guide committed citizens to oversee Maryland's Child Protection system in order to reinforce strengths, identify needs and stimulate advocacy for improved protection of children and prevention of child maltreatment.

The State Board has utilized standards outlined by federal and state laws, as well as the Maryland Child and Family Services Plan in establishing the manual and protocols. The manual was developed in consultation with representatives of State agencies, local agencies, local panels and other community organizations.

The manual is a working document that will be modified and updated as new protocols are adopted for the system review process, and coordination of efforts is increased. The State Board and the State Council will continue to coordinate efforts with local panels and the broad spectrum of agencies and other official entities charged with child protection responsibilities.

Child Protection System Review Implementation

Local System Description Project

Local panels in collaboration with local and state resources will gather data for the Local System Description Project. The results of the project, which are due to the Citizens' Review Board for Children on January 31, 2001, will provide valuable uniform baseline information from all 24 jurisdictions. A few jurisdictions have been able to engage interns from local colleges and universities to assist in their efforts. The project is proving itself to be effective in familiarizing panel members with the child protection system.

Case Reviews

Case reviews provide valuable information about how child protection laws, policies, procedures and practices are put into action. They provide a glimpse at what really happens to families when they come in contact with the system. They provide a real-world glimpse at the variety of perspectives about the systems operation.

The purpose of case reviews is to enable local panels/teams, the State Board and the State Council to reinforce system strengths, identify system needs and develop recommendations to improve the protection of children and prevention of maltreatment. Case review is not a tool for improving case management for the specific case being reviewed. It will provide useful information about how evidence and decision-making is documented, what services were provided and how agencies work together for families and children.

Case reviews include both record reviews and in-depth case reviews that include face-to-face interviews

Case Record Review

Local citizen review panels/teams will review child protection case records and local department of social services records, including police reports, court documents and other record information contained in the local department's record. After greater consultation by the State Board and State Council with the broad spectrum of agencies and other official entities charged with child protection responsibilities, the panels/teams will review records and reports of other involved agencies.

Record reviews also provide statistical data that can be analyzed to measure how agencies are complying with mandated time frames.

A program is being developed to train local panel members beginning in April 2001. It is expected that after panel/team members have been trained and certified, case record reviews will begin in pilot jurisdictions in May 2001. Some local panel training may be conducted by a local trainer certified by the State Board.

In-Depth Case Reviews (Future)

In-depth case reviews consist of face-to-face interviews with investigators, reporters, family members and other professionals involved with the family and child. In-depth reviews will begin after local panels/teams become more familiar with the child protection system. Panel members will not interview children, because the focus is on the child and family in the system, not the case being reviewed.

In-depth case reviews provide much more information than what is recorded in the record. When conducted by well-trained panel members, interviews clearly point to areas where the system has effectively worked together to reduce the risk of child maltreatment and / or to where the system could be improved.

Panel/Team members will be required to complete extensive training in interviewing techniques and sensitivity towards interviewees prior to conducting this level of review. Given the tremendous amount of time and resources needed to conduct in-depth reviews, panels/teams will only be expected to conduct a small number of case reviews that include interviews.

System Interviews (Future)

System interviews will consist of local panels interviewing staff from the broad spectrum of agencies and other official entities charged with child protection responsibilities. The purpose will be to gather data and assess system issues such as practices, policies, staffing and training affecting the system's ability to protect children and prevent child maltreatment. System interviews will enable local panels, the State Board and the State Council assess interagency coordination, reinforce strengths, identify needs and stimulate advocacy for improved protection of children and prevention of child maltreatment.

Panels will conduct system interviews in order to review the policies and practices of state and local child protection agencies to evaluate compliance with Maryland's Child and Family Services Plan.

Annual Report

The State Board and State Council will each prepare and make available to the public a report containing a summary of an annual report. Local panels will also issue public annual reports on their findings. The State Board will develop simple standards and guidelines for the preparation of the reports.

Other Tools (Future)

An array of other tools will be developed for use by local panels, the State Board, and the State Council in evaluating the extent to which State and local agencies are effectively discharging their child protection responsibilities. These other tools may include, but are not limited to focus groups, surveys, data analysis and a clearinghouse function. These future tools will provide useful ways to capture information about system functioning or formulate recommendations for system improvement. The protocols for these tools will be devised utilizing data collected during previous assessment tools, as well as input from local panels/teams and the broad spectrum of agencies and

other official entities charged with child protection responsibilities. They may also be developed independently by local panels to meet their assessment needs.

PROTOCOL GOVERNING LOCAL CITIZEN REVIEW PANELS AND TEAMS SCOPE OF ACTIVITIES

Purpose, Scope, and General Procedures

Statutory Authority

- 1.1. This protocol is adopted under the specific authority of Family Law Article § 5-539.1(c), which gives the State Citizens' Review Board for Children (State Board) the authority to establish protocols that govern the scope of activities of local citizen review panels.

Purpose and Methods

- 1.2. The State Board and the State Council on Child Abuse and Neglect (State Council) are required to evaluate the extent to which State and local agencies are effectively discharging their child protection responsibilities. In carrying forward this duty, the State Board and the State Council intend to:
 - 1.2.1. Use a variety of approaches, including individual case review, surveys, data analysis, focus groups, and stakeholder interviews to examine and evaluate agency-, community-, and State-level systems;
 - 1.2.2. Produce balanced assessments of the strengths and weaknesses of systems that protect children from maltreatment;
 - 1.2.3. Develop recommendations to improve those systems, in consultation with the State Child Fatality Review Team;
 - 1.2.4. Advocate for implementation of those recommendations in order that children will be:
 - 1.2.4.1. safe;
 - 1.2.4.2. placed in stable, permanent living arrangements without undue delay;
 - 1.2.4.3. enjoy continuity of relationships; and
 - 1.2.4.4. have the opportunity to develop to their full potential.

Federal Requirements/Evaluation Criteria

- 1.3. United States Code § 5106a establishes standards for child protection and requires Maryland to submit a Child and Family Services Plan (CFSP) to the U. S. Department of Health and Human Services. The State Board has utilized these standards and the CFSP in establishing these protocols for the activities of the local panels. The State Board and State Council have authority to establish additional criteria.
 - 1.3.1. The State Board has a particular interest in examining policies, procedures, and cases that pertain to investigations of child abuse and neglect that result in a finding of "indicated" by a local department of social services. With respect to such cases, the State Board will focus on:
 - 1.3.1.1. The thoroughness of investigations;
 - 1.3.1.2. The validity of decisions to leave children at home or remove them
 - 1.3.1.3. Coordination between child protective services and out-of-home placement services within the local departments of social services.

Protocol Governing Local Citizen Review Panels/Teams

1.3.2. The State Council has a particular interest in examining policies, procedures, and cases that pertain to:

1.3.2.1. reports of child abuse or neglect that are screened out (that is, not investigated) by a local department of social services; and

1.3.2.2. investigations that result in findings of “ruled out” or “unsubstantiated” by a local department of social services

Child Protection System

1.4. The State Board and the State Council find that:

1.4.1. A broad spectrum of agencies and other official entities is charged with child protection responsibilities.

1.4.1.1. Core agencies include the Department of Human Resources, Social Services Administration, local departments of social services, law enforcement, Child Care Administration, state’s attorney’s offices, child advocacy centers, and the juvenile court.

1.4.1.2. Other agencies include, but are not limited to, the Office for Children, Youth, and Families, the Department of Health and Mental Hygiene, local health departments, physical and mental health providers, the State Department of Education, local schools and school systems, the Department of Juvenile Justice, child care agencies, child placement agencies, correctional agencies, public housing agencies, CASA, the local management boards, and agencies that receive public funding to represent parties in child abuse and neglect proceedings, provide parenting programs or child abuse and neglect prevention services.

1.4.1.3. The State Board, the State Council, local citizen review panels, State and local child fatality review teams, and multi-disciplinary teams have responsibility to provide support for child protection agencies and recommend ways to strengthen community systems that protect children from maltreatment.

Child Protection Domains

1.4.2. Important domains of child protection include:

1.4.2.1. Prevention and community awareness;

1.4.2.2. Reporting, screening, and investigating incidents of child abuse and neglect;

1.4.2.3. Service planning; case management, and system administration;

1.4.2.4. Service provision; and

1.4.2.5. Inter-agency collaboration.

1.4.3. Assessment of cultural, religious, racial, and ethnic factors should be supported by organizational resources (such as training, interpreters, and non-English written materials) and should promote:

1.4.3.1. Accurate interpretation of individual behaviors and family dynamics in order to produce accurate assessments of safety and risk;

Protocol Governing Local Citizen Review Panels/Teams

1.4.3.2. Good communication among families, agency representatives, and service providers;

1.4.3.3. Service plans which address the child protection needs of children and their families.

1.4.4. Assessment of and sensitivity to cultural, religious, racial, and ethnic factors should never be interpreted to alter the finding of whether abuse or neglect has occurred based on existing law.

Authority to Obtain Information

1.5. State and local agencies involved in protecting children are required by Family Law Article §§ 5-546 and 5-7A-08 to provide the State Board and the State Council with any information they request to perform their duties.

Establishment of Citizen Review Team

1.6. In order to conduct case reviews in the counties and Baltimore City, the State Board has authority Under Family Law Article § 5-539.1(b)(ii)(1) to establish local citizen review teams composed of members of local boards of review of out-of-home placement and staff of the Citizens' Review Board for Children.

Establishment of Local Citizen Review Panel

1.7. Local citizen review panels may be established by local governments as provided by Family Law Article § 5-539.2 for the purpose of assisting the State Board and the State Council on Child Abuse and Neglect (State Council) in evaluating the extent to which State and local agencies are effectively discharging their child protection responsibilities.

1.7.1. The scope of activities of the local panels is governed by this protocol.

1.7.2. The State Board may designate the local panel for a jurisdiction to conduct case reviews in lieu of designating a local citizen review team. A local panel that is not so designated by the State Board does not have authority to receive confidential information about individual cases under Article 88A, § 6(b)(iii).

1.7.3. The State Board and the State Council may ask a designated local panel to conduct a case review. Each local panel is required to conduct the case review using these protocols and issue a report on its findings to the State Board and the State Council within the time frames established by this protocol.

1.7.4. Under Maryland law, each local panel also must function under United States Code § 5106a and meet the requirements established therein to:

1.7.4.1. Meet at least quarterly; and

1.7.4.2. Publish an annual report, including recommendations for system improvement.

Local Citizen Review Panel Autonomy

1.7.5. Each local panel also has authority to establish its own criteria and methods for evaluating State and local agencies in addition to those established by the State Board;

Protocol Governing Local Citizen Review Panels/Teams

provided, however, that such criteria are consistent with sections 1.2 and 1.4 of this protocol.

Discretionary Reviews by Local Panel

1.7.6. A local panel that has been designated by the State Board to conduct case reviews upon request may conduct additional case reviews at its discretion. If a panel chooses to select additional cases for review, the panel:

1.7.6.1. May establish criteria for selecting cases;

1.7.6.2. Shall use the protocol established herein in whole or in part;

1.7.6.3. In conducting the review, shall focus on system assessment, not on individual case management.

Appointment of Local Panel

1.8. Family Law Article § 5-539.2 authorizes the local governing body in each county or Baltimore City to appoint a local citizens review panel and provides guidance for the composition of the panel.

1.8.1. Under the same section, the State Board and the State Council are each permitted to appoint a delegate to the panel.

1.8.1.1. Delegates shall be appointed to three-year terms, may be re-appointed, and may serve until replaced.

1.8.1.2. A delegate has full membership rights on the panel.

1.8.1.3. The special responsibilities of the respective delegates of the State Board and the State Council are to be aware of and to communicate to panel members the protocols established by the State Board and the particular interests of the respective appointing authorities as stated in Section, 1.3 above, or as may be established by resolution of the Board or the Council.

1.8.1.4. The State Board and State Council may communicate to the panels through their respective delegates.

Local Panel – Majority Volunteer

1.8.2. In order to meet federal requirements pursuant to U. S. C. § 5106a, the majority of each board must be composed of volunteers who:

1.8.2.1. Exercise their own free will in all deliberations of the panel;

1.8.2.2. Act independently of any outside influence, particularly an employer;

1.8.2.3. Do not represent any agency;

1.8.2.4. Work without any expected financial compensation from the local citizen review panel or the State Board.

Protocol Governing Local Citizen Review Panels/Teams

Designation of Local Panel by State Board

1.9. The State Board will designate a local citizen review panel upon valid certification by the local governing body that:

1.9.1. The panel membership includes individuals with expertise in the prevention and treatment of child abuse and neglect, such as child advocates, volunteers of the court-appointed special advocates program, attorneys who represent children, parent and consumer representatives, law enforcement representatives, and health and human services professionals;

1.9.2. The panel is representative of the jurisdiction; and

1.9.3. The majority of the panel's membership is comprised of volunteers (as described in section 1.8, above). In determining whether a majority of members are volunteers, The State Board shall:

1.9.3.1. Determine that only a minority is representing public agencies; and

1.9.3.2. Count the State Board and State Council delegate positions as volunteers.

Rescission of Designation

1.10. The State Board may rescind its designation of a local panel or team:

1.10.1. Rescission of designation of a local citizen review team requires majority vote of a quorum of the State Board.

1.10.2. Rescission of designation of a local citizen review panel shall be for cause (such as breach of confidentiality or other failure to adhere to these protocols) and shall require a majority vote of the membership of the State Board.

Local Panel- Officers and Meetings

1.11. Each panel shall:

1.11.1. If the local appointing authority has not done so by appointment, elect a chairperson and vice-chairperson by vote of a majority of members present at a meeting attended by a majority of the duly-appointed members;

1.11.2. Conduct an open meeting no less frequently than once every three months;

Local Citizen Review Team Chairperson

1.12. A local citizen review team shall also select a chairperson.

Local Panel/Team Committees

1.13. The chairperson or acting chairperson of a team or panel may establish committees for the purpose of conducting case reviews or any other business of the panel; however, any such committee shall have at least one volunteer member.

Protocol Governing Local Citizen Review Panels/Teams

Locally-Provided Staff

- 1.14. Upon a vote of the majority of the sitting members of the panel to accept staff provided by local government or internship programs or volunteer staff, such staff may be considered designees of the State Board for the purpose of receiving confidential case information. In the same fashion, the panel may vote to reject such staff at any time.

Local Panel/Team Member – Desirable Characteristics

- 1.15. Each member of a local panel or citizen review team should endeavor to apply to his or her participation on the panel the following personal characteristics:
 - 1.15.1. A paramount commitment to the best interests of children;
 - 1.15.2. Consistent attendance;
 - 1.15.3. Willingness to participate in training and other activities that provide knowledge of child development, family systems, child abuse and neglect, the child protection system, this protocol and other relevant topics;
 - 1.15.4. Awareness of how cultural, religious, racial, and ethnic factors can affect the interactions among families, children, and agency representatives (see 1.4.3 and 1.4.4.);
 - 1.15.5. Openness to and respect for the information presented by agency representatives and case participants who speak before the panel.
 - 1.15.6. A commitment to respect the opinions of fellow panel members and the proper exercise of authority by the chairperson;
 - 1.15.7. Absolute observance of confidentiality and ethical principles; and
 - 1.15.8. Adherence to open government provisions that apply to the panel's work.

Local Panel – Desirable Activities

- 1.16. Each panel is encouraged to exercise initiative and thoughtfulness in fulfilling its duties by:
 - 1.16.1. Aggregating and analyzing the data collected to measure performance;
 - 1.16.2. Comparing measured performance to the criteria provided by the State Board and State Council as well as other criteria the panel has adopted
 - 1.16.3. Citing specific ways in which the agencies are performing in accord with the criteria;
 - 1.16.4. Recommending reforms that would strengthen the child protection system (preferably in coordination with the local child fatality review team);
 - 1.16.5. Consulting with the local child fatality review team and any standing multi-disciplinary teams in assessing performance and formulating recommendations;

Protocol Governing Local Citizen Review Panels/Teams

1.16.6. Developing relationships with local policy-makers and agency administrators and communicating the panel's recommended reforms to them;

1.16.7. Monitoring changes in the agencies and in the system as a whole.

Local Panel – Required Reports

1.17. Panels and panel members are responsible for informing the State Board and State Council of the following types of information.

1.17.1. The panel chairperson shall promptly notify the State Board and State Council of any:

1.17.1.1. Vacancy or change in panel membership;

1.17.1.2. Vote to accept locally-provided staff or any changes in the status of locally-provided staff; or

1.17.1.3. Appointment of a custodian of records (see 3.15.5).

1.17.2. Each panel member shall provide the State Board and State Council with identifying and contact information as requested.

1.17.3. Criteria and methods adopted under 1.7.5.

Local Governing Authority – Required Reports

1.18. Local governing authorities shall notify the State Board of any new appointments to a panel that has been designated by the State Board to conduct case reviews (see section 1.9).

Types of Assistance Provided by State Board and State Council

1.19. The State Board and State Council will provide the following types of assistance to local panels and citizen review teams:

1.19.1. Training and technical assistance;

1.19.2. Development of data collection and assessment tools;

1.19.3. Staff consultation and interpretation of law, regulation, and protocols;

1.19.4. Subject to the availability of funds, staff support for each individual case review requested by the State Board or State Council; and

1.19.5. Leadership in statewide advocacy for system reform.

Requests for State Staff Assistance

1.20. In order to access State-level staff assistance, the chairperson of each panel or the chairperson's designee shall contact the CRBC office to negotiate a schedule for meetings at which case reviews will be conducted:

1.20.1. By March 15, 2001 for calendar year 2001; and

Protocol Governing Local Citizen Review Panels/Teams

- 1.20.2. By November 15, 2001, and each succeeding November 15 for the upcoming calendar year.

Local Panel – Open Meetings

- 1.21. Except when confidential case reviews are being conducted, meetings of the panel and its committees are open meetings.

Local Panel – Confidentiality Requirements

- 1.22. Local panels are bound by strict confidentiality requirements:

- 1.22.1. Under Article 88A, all records concerning child abuse or neglect are confidential and unauthorized disclosure is a criminal offense subject to a fine not exceeding \$500 or imprisonment not exceeding 90 days, or both.
- 1.22.2. Under Family Law, §§ 5-539.3 and 5-7A-07 and U. S. C. 5106a(c)(1)(B), State Board members, State Council members, local panel members, local citizen review team members, and their respective staffs may not disclose to any person or government official information about any specific case. Maryland law provides that the Special Secretary for Children, Youth, and Families may impose a civil fine of up to \$500 for any violation.

Protocol Governing Local Citizen Review Panels/Teams

Assessment Tools

Local System Description Project

Purposes:

2.1 The purposes of the System Description Project are to:

- 2.1.1 Capture important uniform information from all 24 jurisdictions about community systems for protecting children from maltreatment;
- 2.1.1 Enable the State Board and the State Council to compile this information and describe how systems for protecting children are organized;
- 2.1.2 Familiarize members of the local citizen review panels (LCRPs) child protection systems in the jurisdictions and how the system interacts with those of other jurisdictions;
- 2.1.3 Engage the members of the local citizens review panels in a structured dialogue with key officials and participants involved in the child protection systems for their jurisdiction;
- 2.1.4 Provide information for any required State and local annual reports;
- 2.1.5 Build a foundation for evaluating child protection agencies and systems.

Intent of Project

2.2 The intent of a local system description project is, at a minimum, to capture objective information and to depict the child protection system. However, it is acceptable for the LCRP to comment on the availability, accessibility, completeness, effectiveness, and efficiency of any given aspect in the comment sections provided with each questions. An optional forms has been developed to allow local panels to identify strengths and resource gaps in the five domains

Stages

2.3 A specific stage of the local systems description project shall:

- 2.3.1 Consist of a list of questions covering one or more domains of the child protection system (see 1.4.2), a response form for each question, a submission form, and optional forms;
- 2.3.2 Have a specified due date for submission.

Full Description Encouraged

2.4 Local panels may attach additional pages to any given question if necessary and are strongly encouraged to submit supplementary material such as policy documents, strategic plans, statistics, resource guides, and community surveys.

Protocol Governing Local Citizen Review Panels/Teams

Information Gathering

- 2.5 Much of the information can be gathered by making requests from the appropriate agencies or institutions. Section 1.5 describes the responsibilities of local agencies to respond to such requests for information.

Communication with Agencies

- 2.6 It is recommended that a draft response be prepared and disseminated to at least the following persons or their designees at least 30 days prior to submission to the State Board/State Council, requesting their comments:
- 2.6.1 The administrative judge of the circuit court (District/Juvenile Court in Montgomery County);
 - 2.6.2 The local director of social services (Social Services Officer in Montgomery County);
 - 2.6.3 The chief of any county or municipal police department within the jurisdiction or the sheriff's department if appropriate;
 - 2.6.4 The State's attorney; and
 - 2.6.5 The Chairperson of the Local Management Board.

Dialogue with Agencies

- 2.7 The local panel may wish to amend the report in light of formal comments received. The report should be finalized and ready for submission before the deadline so that each person in the above list can have the opportunity to review the final report and append a statement to the report if they choose.

State Responsibilities

- 2.8 The final reports will be compiled, analyzed, and published by the State Board and State Council.

Local Distribution

- 2.9 Local panels are encouraged to widely distribute their reports within their respective jurisdictions.

Technical Assistance:

- 2.10 The State Board staff is available for consultation and will provide technical assistance as resources permit.

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Case Reviews

Value of Case Review

3.1 Case reviews provide valuable information about how child protection laws, policies, procedures and practices are put into action. They tell us what really happens to families when they come in contact with the system. They also provide a real-world glimpse at the variety of perspectives about the systems operation.

3.1.1 Record reviews provide an opportunity for panel members to become familiar with the child protection system. Record reviews also provide:

3.1.1.1 Useful information about how evidence and decision-making is documented, what services were provided and what other agencies are involved with the family and the child;

3.1.1.2 Statistical data that can be analyzed to measure how agencies are complying with mandated time frames; and

3.1.1.3 The ability to document omissions of relevant information.

3.1.2 Full reviews include face-to-face interviews (or other types of information-gathering encounters) with reporters, family members, investigators, and other service providers involved with the family and child.

3.1.2.1 The value of the experiences and impressions of the persons involved that were not written in the case record assists the panel or review team in evaluating agencies' effectiveness and record-keeping practices.

3.1.3 As a first stage of implementation of case review, local teams and local panels are authorized to conduct record reviews only. The State Board intends to implement full reviews at a later stage after experience has been gained with the conduct of record reviews.

Case Selection

3.2 Reviews shall focus on system assessment and may be initiated in six different ways:

3.2.1 By request of the State Board for Children to a local panel or team;

3.2.2 By direct request of the State Citizens' Review Board for Children;

3.2.3 By request of the State Council to a local panel or team;

3.2.4 By direct request of the State Council on Child Abuse and Neglect;

3.2.5 By a sampling method devised by the local panel or team; or

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3.2.6 By request of an agency or citizen.

State Board Sample Method

3.3 When requesting that a local team or panel conduct a review, the State Board will randomly select cases from the DHR Services System database, investigations that resulted in a finding of “indicated.”

3.3.1 DHR will provide CRBC staff with electronic files comprising all Services information for the following programs in which the initiate date is on or after July 1, 1998:

3.3.1.1 Child Protective Services investigations;

3.3.1.2 Continuing Child Protective Services;

3.3.1.3 Intensive Family Services;

3.3.1.4 Families Now;

3.3.1.5 Family preservation services provided through local management boards under the Services Reform Initiative;

3.3.1.6 Out-of-Home Placement (including kinship care, foster care, group care, residential care, and pre-adoption).

3.3.2 DHR will provide weekly electronic updates of the above data.

3.3.3 CRBC staff will develop automated procedures to select the samples

3.3.4 The State Board will request that local teams and local panels conduct a total of 200 case reviews per fiscal year:

3.3.4.1 Each county will be asked to conduct at least four reviews per fiscal year (a total of 96 cases);

3.3.4.2 Each jurisdiction with greater than 500 investigations per year will be asked to conduct an additional number of reviews, which shall be that jurisdiction’s proportion of the sum of the investigations in all counties with greater than 500 investigations times the remaining 104 cases.

3.3.5 Sampling will be weighted and stratified so that cases with the following factors receive substantial representation in the total sample:

3.3.5.1 The family has a prior history of “indicated” child maltreatment that did not result in placement or services;

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3.3.5.2 There were multiple reports accepted during the investigative stage;

3.3.5.3 Children in the family were previously in an out-of-home placement;

3.3.5.4 The victim was under age one (1);

3.3.5.5 The family has been receiving long-term services.

State Board Direct Request

3.4 The State Board may, by majority vote of a quorum of its members, directly request review of any investigation that resulted in a finding of “indicated.” In such an instance, the State Board would appoint a special committee to conduct the review.

State Council Sample Method

3.5 When requesting that a local team or panel conduct a review, the State Council will select cases of reports that are “screened out” and investigations in which child maltreatment has been “ruled-out” or found to be “unsubstantiated.”

3.5.1 The Council will develop procedures to select for review reports that have been “screened out.”

3.5.2 The State Council will request that local teams and local panels conduct a total of 200 reviews statewide per fiscal year, 100 each of cases with a finding of “ruled out” and “unsubstantiated,” respectively.

3.5.2.1 CRBC staff will select a random sample of cases with each type of finding and will notify the Council as well as the local team or panel.

3.5.2.2 The number of cases requested of each jurisdiction will use the formula described in section 3.3.4.

3.5.3 When the Council requests that the local team or local panel conduct a review, the case record review procedures employed for State Board- will be utilized.

State Council Direct Request

3.6 The State Council may, by majority vote of a quorum of its members, directly request review of any cases of reports that are “screened out” and investigations in which child maltreatment has been “ruled-out” or found to be “unsubstantiated.” In such an instance, the State Council would appoint a special committee to conduct the review.

Local Panel Discretionary Method

3.7 If a local panel wishes to select additional cases for review, it must use a written procedure:

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- 3.7.1** Cases must be identified by a random sampling technique; however, the panel may confine the sample to cases with particular characteristics or may develop a weighted or stratified sampling method;
- 3.7.2** CRBC staff are available to assist in developing the sampling technique and choosing the sample from the CRBC Information System;
- 3.7.3** The procedures described herein for notifying agencies of the review, reviewing the case record, and conducting the evaluation phase of the review must be followed; however, the panel may choose to limit itself to evaluating specific functions (see section 3.16.3, below);
- 3.7.4** The State Board can not provide staff to assist with such case reviews.

Agency or Citizen Request

3.8 An agency or citizen may request a review of a particular case.

- 3.8.1** Such a request shall be directed to the State Board in writing, and the applicant shall provide identifying information and a rationale for why the case should be reviewed.
- 3.8.2** If, CRBC staff determine that the case is “screened out,” “ruled out,” or “unsubstantiated,” CRBC staff will refer the request to the State Council.
- 3.8.3** The State Board or the State Council or their designee will decide whether to review the case, considering available resources, the rationale provided by the applicant, and any other information staff have collected about the case. The Board or Council may choose to consult with the local team, local panel, or any appropriate agency prior to making a decision.
- 3.8.4** If the case is accepted for review, the State Board or State Council may choose to conduct the review directly, through a committee of either body, or through the local team or panel.
- 3.8.5** The applicant will be informed whether a review has been conducted.
- 3.8.6** The results of the specific case review will remain confidential.

Notice to Agencies

- 3.9** Timely notice shall be given to the local department of social services and to other agencies of the intention to review the case and of the records they must make available to the team or panel.
- 3.9.1** The notice shall be given using the Case Review Notification letter (Appendix).

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3.9.2 In sampling investigations from the DHR Services System, the State Board, the State Council, or the local panel shall select investigations that:

3.9.2.1 Have been completed;

3.9.2.2 If “unsubstantiated” or “indicated,” were initiated no fewer than 135 days prior to the date notice is sent to local department of social services and no fewer than 180 days prior to the meeting at which the panel or team is scheduled to complete the system evaluation based on the case;

3.9.2.3 If listed as neither “unsubstantiated” nor “indicated,” were initiated no fewer than 45 days prior to the date notice is sent to local department of social services and no fewer than 90 days prior to the meeting at which the panel or team is scheduled to complete the system evaluation based on the case.

Cause for Postponement

3.10 Review of a sampled case shall be postponed and another case substituted, if the case:

3.10.1 Is in the process of administrative appeal and the appeal is not completed prior to the date scheduled for case record review;

3.10.2 Is or has been scheduled to be reviewed by the local or State child fatality review team.

3.10.3 Is pending adjudication or disposition of a Child in Need of Assistance petition.

Access to Agency Records

3.11 The local department of social services shall make the records available within 30 days of receiving the notice at a time mutually acceptable to the team or panel and the agency.

3.11.1 Any site selected for the case review shall provide access to a photocopier and the requisite degree of privacy for reading the records and discussing highly confidential information.

3.11.2 The local department of social services shall make space available for the case record review process, or, by mutual agreement another site may be selected.

3.11.3 With respect to records of the local department of social services, the panel or team shall have authority to review all records of the sampled investigation plus any records of services (including those listed in section 3.3.1) provided prior or subsequent to the investigation.

3.11.4 After an initial review of the records of the local department of social services, the case record reviewers (see section 3.15), may request additional records from the

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local department of social services or another agency; however, said agency shall have at least 15 days to produce the requested records.

3.11.5 The service records shall remain in the possession of the local agency. At no time will they be removed from the local agency's site, unless personnel from the local agency make arrangements to deliver/pick-up records from the review site.

3.11.6 If records from an agency other than the local department of social services are reviewed, they may be reviewed at that agency's site, or a representative of said agency shall transport the records to and from the record review site.

Agency Failure to Supply Information

3.12 If an agency fails to provide information requested, the local panel, local team, State Board, or State Council shall so inform the chief executive officer of that agency who shall take immediate corrective action. (See section 1.5.)

Training Requirement for Participation in Case Review

3.13 No member of the State Board, the State Council, or a local team or panel and no locally-appointed staff person shall participate in any phase of the case review process unless the member or staff has successfully completed the full training program approved by the State Board.

Requirements for Observing Case Review

3.14 No member of a local team or panel and no locally-appointed staff shall observe any phase of the case review process unless the member or staff has completed the confidentiality training program and signed the confidentiality statement.

Case Record Review, Delegation, Information Security

3.15 The chairperson of the team or panel may appoint a committee of the panel to conduct the case record review phase of the case review or may delegate that task to staff; provided, however, that no panel member may review the record who is a close relative or personal associate¹ of the family whose case is being reviewed or who had direct responsibility for reporting, screening, investigation, legal representation, adjudication, service provision or supervision of any of the above types of activities for the case being reviewed.

3.15.1 At the time mutually agreed upon (see 3.11, above), the team, panel, committee, or staff shall inspect the records and shall complete the Case Record Review Form (see Appendix) by extracting appropriate information from the records.

3.15.2 Upon request by the case record reviewers, the agency that is the source of the record may, at its discretion, require the staff most familiar with any record being reviewed to be present to assist the team or panel personnel in locating the required information.

¹In deciding whether a person is a close relative or personal associate, the chair of the panel, team or review committee should determine whether the person is able to exercise unbiased judgment.

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- 3.15.3** The case record reviewers should use their discretion in interpreting information in the records to understand rationales for key decisions and why key functions were executed in an effective or ineffective manner. The Case Record Review Form has indicated spaces for recording such interpretations.
- 3.15.4** The record reviewers may make one and only one copy of the following forms or local equivalents: Child Protective Services Intake Worksheets (DHR/SSA 396), Child Maltreatment-Report Disposition (DHR/SSA 181-A, N, MI), Initial Family Assessment (DHR/SSA 1061), Danger/Safety Evaluation and Plan (DHR/SSA 1062-PP, 1575, 1576), service plans (e. g., DHR/SSA 1064) and court reports/orders.
- 3.15.5** The chairperson of the local team or panel shall designate one staff person or member as custodian of the records. That person shall be responsible for ensuring that records are promptly transmitted to the State Board or State Council office and that unauthorized copies are not made prior to transmission.
- 3.15.6** Case record reviewers other than the designated custodian shall not transport records. Records may not be stored overnight at a review site other than the local department of social services or the offices of the State Board and State Council unless they are in the personal possession of the custodian.

Completing the Case Review Process, Evaluation Form

- 3.16** Within 30 days of completion of the case record review, the local team or panel shall complete the case review process.
- 3.16.1** The case record reviewers will distribute copies of the Case Record Review Form (but not of the attached photocopies from the agency records) and will present the results of the record review and answer questions from the team or panel members.
- 3.16.2** The local team or panel shall then complete the Case Review Evaluation Form (Appendix).
- 3.16.3** The Chairperson of the local team or panel may appoint a committee of trained members to complete the Evaluation Form; provided, however
- 3.16.3.1** that at least three voting members, at least one of whom is a volunteer, are present; and
- 3.16.3.2** that no panel member may vote or be counted as constituting a quorum who is a close relative or personal associate² of the family whose case is being reviewed or who had direct responsibility for reporting, screening,

² In deciding whether a person is a close relative or personal associate, the chair of the panel, team or review committee should determine whether the person is able to exercise unbiased judgment.

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investigation, legal representation, adjudication, service provision or supervision of any of the above types of activities for the case being reviewed.

3.16.4 The purpose of completing the Evaluation Form is to carry out the fundamental duty of a child protection citizen review panel to evaluate the effectiveness of State and local agencies in discharging their child protection responsibilities.

3.16.5 For the purposes of this protocol an agency shall be deemed to have performed effectively if:

3.16.5.1 It has taken necessary measures to satisfy the criteria listed on the Evaluation Form for any given child protection function; however, the reviewers may decide which criteria are applicable in a given case; and

3.16.5.2 In receiving, screening, investigating, and assessing reports of child abuse and neglect and in responding to child maltreatment, it has taken such other measures as necessary to protect children.

3.16.6 In addition, case reviewers should examine case outcomes in assessing effectiveness; however, there is not a rigid correspondence between desirable outcomes and effectiveness because the behaviors of maltreators, children, and family members determine outcomes.

3.16.7 In evaluating effectiveness, reviewers are to consider actions taken from the initiation date of the sampled investigation through the earlier of the date all services listed in section 3.3.1 were terminated or the date the case record review was completed. The reviewers may examine child protection reports, investigations, and services provided prior to the initiation date, but only to see how the historical information was used during the current episode.

Child Protection Functions

3.16.8 In evaluating effectiveness reviewers shall consider, as applicable, the following child protection functions:

3.16.8.1 Reporting – may illuminate how well agencies, professionals, and other citizens fulfill their mandated reporting responsibilities or how well agencies have promoted community awareness of child abuse and neglect laws;

3.16.8.2 Receiving and screening reports – includes whether reporting is accessible to agencies and the public and whether appropriate information is assembled and considered to determine whether and when an investigation should begin;

3.16.8.3 Investigating and assessing reports, information gathering – includes contacting and questioning individuals, reviewing prior history, and assembling documents;

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- 3.16.8.4** Investigating and assessing reports, safety assessment – includes the process of determining whether a child is safe, which must be completed whenever circumstances change sufficiently to create a significant new possibility of imminent maltreatment;
- 3.16.8.5** Investigating and assessing reports, risk assessment – includes estimating the possible harm to the child in the future due to exposure to various risk factors as determined by the Social Services Administration;
- 3.16.8.6** Investigating and assessing reports, finding/disposition – includes determining whether maltreatment occurred as described in the report(s) received;
- 3.16.8.7** Supervision and administration – includes whether agencies have sufficient resources and whether they are organized and managed appropriately to control an effective child protection process;
- 3.16.8.8** Response to maltreatment, service planning – includes whether service planning uses best practices and addresses the factors identified in assessments and whether agencies work well together;
- 3.16.8.9** Response to maltreatment, staffing – includes whether intra-agency written and oral communication is used, as needed, among team members and at key transition points in the service process so that multiple perspectives are included in decision-making, information is not lost, and families are not subject to contradictory statements or directives from different agency personnel;
- 3.16.8.10** Response to maltreatment, multi-disciplinary team – includes whether inter-agency and interdisciplinary communication is used at key decision points so that multiple perspectives are included in decision-making, information is not lost, and families are not subject to contradictory statements or directives from different agencies;
- 3.16.8.11** Response to maltreatment, placement – includes whether children were removed from their families when and only when necessary for their protection and whether the placement process properly protects their safety, promotes permanency and continuity of relationships, and advances child well-being;
- 3.16.8.12** Response to maltreatment, Office of Administrative Hearings appeal of LDSS finding– includes whether the appeal process operates as intended and produces decisions that are consistent with CINA decisions of the court;

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- 3.16.8.13** Response to maltreatment, CINA/CINS – includes whether court protection for children is sought when appropriate, whether the court process operates as intended, and whether it protects children;
 - 3.16.8.14** Response to maltreatment, protective order – includes whether the protective order process is used to protect children and whether it operates in a manner to minimize disruption to the family;
 - 3.16.8.15** Response to maltreatment, custody – includes whether the custody order process is used to protect children and whether it operates in manner to minimize disruption to the family;
 - 3.16.8.16** Response to maltreatment, criminal – includes whether the criminal process is used to protect the community and whether it functions as intended and in a manner to minimize disruption to the family.
- 3.16.9** In using the Evaluation Form, reviewers shall:
- 3.16.9.1** Complete all applicable System Function Sections, considering, however, that in many cases investigative or response functions do not occur because assessments and decisions made in earlier phases render them irrelevant;
 - 3.16.9.2** Consider the criterion statements for each applicable System Function Section;
 - 3.16.9.3** Make a formal decision on effectiveness for each applicable System Function Section, deciding whether to check “yes,” “no,” or “not applicable” based on a majority vote of those present. The chairperson or acting chairperson shall vote to break a tie;
 - 3.16.9.4** Complete the rationale/recommendations sub-section for any finding that a function is not effective, including a description of what criteria and facts were determinative and what actions would have been required for effective functioning;
 - 3.16.9.5** Consider using the rationale/recommendations sub-section to identify strengths or functions that were performed in a manner that exceeded expectations or to suggest system improvements;
 - 3.16.9.6** In writing the rationale, attempt to reach a consensus and take a formal vote if necessary.

Case Review Record

- 3.17** The Case Notification Form, Case Record Review, Case Review Evaluation form, any notes that team or panel members or staff have made, along with a copy of the following forms or local equivalents: Child Protective Services Intake Worksheets

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(DHR/SSA 396), Child Maltreatment-Report Disposition (DHR/SSA 181-A, N, MI), Initial Family Assessment (DHR/SSA 1061), Danger/Safety Evaluation and Plan (DHR/SSA 1062-PP, 1575, 1576), service plans (e. g., DHR/SSA 1064), and court orders/reports become the “Case Review Record.”

Storage of Case Review Record

3.18 The Case Review Record is forwarded to the to the Citizens’ Review Board for Children. No copies may be maintained elsewhere. Extra copies of documents shall be shredded or otherwise rendered unreadable prior to disposal.

3.18.1 The Citizens’ Review Board will maintain Case Review Records for both the State Board and the State Council.

3.18.2 The Citizens’ Review Board will provide the information as requested to the State Council.

Interviews of Participants

3.19 At the present time, no interviews of participants will be conducted except as provided in section 3.15.2. The State Board intends to develop protocols for interviews at a later time.

Record Available for Child Fatality Review

3.20 CRBC staff shall make the record available upon request of the State or local child fatality review team.